

REMARKS

Claims 25 to 30 and 35 are canceled without prejudice, and therefore claims 17, 19 to 23, and 31 to 34 are now pending in the present application.

Reconsideration of the present application is respectfully requested based on the following.

Applicants thank the Examiner for indicating that claims 33 to 35 contain allowable subject matter. While the objections may not be agreed with, to facilitate matters, claim 17 has been rewritten to include the features of claim 35, which has been canceled without prejudice, so that claim 17 is allowable, as are its dependent claims. Claims 25 to 30 have been canceled without prejudice, in view of the claim 35 features added to claim 17. Also, claims 33 and 34 have been rewritten as independent claims so as to include the features of their base claim 17, and they are therefore allowable. Still further, claims 31 and 32 have been rewritten to include the features of claim 35, so that claims 31 and 32 are allowable for essentially the same reasons as claim 17, as presented. Accordingly, claims 17, 29 to 23, and 31 to 34 are allowable, and it is therefore respectfully requested that the objections be withdrawn.

Claims 17 and 19 to 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0228366 ("Fuehrer") in view of Rahl Shah & Xuanming Dong, An Introduction to TTCAN ("Shah") in further view of U.S. Patent No. 6,128,318 ("Sato").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine

the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 17 has been rewritten to include the features of claim 35, which has been canceled without prejudice, so that claim 17 is allowable, as are its dependent claims. Claims 25 to 30 have been canceled without prejudice, in view of the claim 35 features added to claim 17. Also, claims 33 and 34 have been rewritten as independent claims so as to include the features of their base claim 17, and they are therefore allowable. Still further, claims 31 and 32 have been rewritten to include the features of claim 35, so that claims 31 and 32 are allowable for essentially the same reasons as claim 17, as presented.

Accordingly, claims 17, 29 to 23, and 31 to 34 are allowable, and it is therefore respectfully requested that the rejections be withdrawn.

CONCLUSION

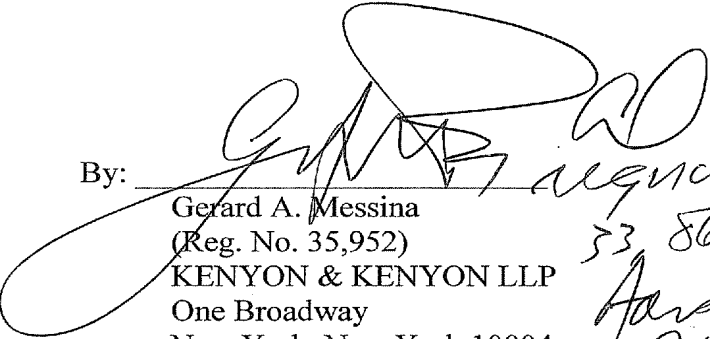
It is therefore respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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By: _____


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